

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF MONTGOMERY
COUNTY, VIRGINIA HELD ON THE 8th DAY OF APRIL, 2002 AT 7:15 P.M. IN
THE BOARD CHAMBERS, COUNTY COURTHOUSE, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Larry N. Rush	-Vice Chairman
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Robert C. Parker	-Public Information Officer
	Angie Hill	-Director Financial & Management Services
	Vickie L. Swinney	-Secretary

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Boundary Line Adjustment Agreement with the Town of Blacksburg

Board of Supervisors intent to enter into a Boundary Line Adjustment Agreement with the Town of Blacksburg providing for the adjustment of the boundary of the Town of Blacksburg's corporate limits to include approximately fifteen (15) acres of land located at the southwest boundary of the Town of Blacksburg adjacent to Montgomery Regional Hospital.

Gabe Quesinberry, Anderson & Associates, addressed the Board on behalf of Montgomery Regional Hospital and Hilltop Medical. Mr. Quesinberry gave a brief summary of the proposed expansion by Montgomery Regional and Hilltop Medical and the reason for the boundary line adjustment.

There being no further speakers the public hearing was closed.

PUBLIC ADDRESS SESSION

Andy Schack addressed the Board regarding concerns about Hawks Flight Subdivision off State Route 575. Mr. Schack stated that the roads in Hawks Flight Subdivision are not being state maintained by the Virginia Department of Transportation. The roads are still considered private and need to be brought up to VDOT's standards before they will consider adding the subdivision into the highway system. Mr. Schack stated that the developer, Allan, Gillis, has been contacted about this issue and to date nothing has been done. He noted that Mr. Gillis is in the process of developing another parcel for a subdivision and Mr. Schack believes the County should deny him this right until he finishes the roads in Hawks Flight Subdivision. Mr. Schack requested help from the Board on this matter and thanked them for their time.

Charlie Bowles spoke in opposition to the Special Use Permit request by Carl McNeil that is listed on the Board's agenda under Old Business. Mr. Bowles stated that this request should be turned down due to the fact that it is spot zoning and not suitable to the area. The Board needs to look at the comprehensive plan and keep residential areas free of business. He would like to see the Board work more closely with the Friends of Riner to discuss the areas that need to be zoned business and the areas that need to stay residential.

Karen Treer spoke in support of the proposed tax increase. Ms. Treer stated she is a school teacher and she commends the Board on their support for new school and public buildings. They need to move forward and support not only the building program but the employees themselves, school and county.

Diane Fenton addressed the Board regarding her concerns with Bills Used Auto Parts. Ms. Fenton stated she and her neighbors were once again awakened at 12:45 a.m. due to employees working with loud equipment. This was reported to the Sheriff's Department and a deputy did come out to investigate and filed a report. They were informed that it was Mr. Harvey himself this time and not an employee. After working with the Zoning Administrator over the past several months, they were guided in the proper way to handle this problem. They played by the rules and reported it and were told to get 3 documented incidents of violation of the special use permit. At this time they have been documented by the Sheriff's Department. Ms. Fenton thanked the Zoning Administrator for all his help and guidance on this issue. Since the Board of Supervisors sets the rules, she asked that the Board either take action to revoke the special use permit, or charge Mr. Harvey with violating the permit.

The County Attorney reported that he spoke with Mr. Steve Sandy, Zoning Administrator, and he was informed of everything that Ms. Fenton reported. Mr. Sandy will be filing criminal charges against the property owner either late today or tomorrow. He believes they have enough evidence now to show violation.

Ms. Fenton asked what the difference was between revoking the special use permit and charging criminal charges. She believes filing criminal charges is just like a slap on the hand.

Mr. McMahon explained that if they could get a conviction of violation of the Special Use Permit, then there are other avenues available.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously, the Consent Agenda dated April 8, 2002 was approved.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
Annette S. Perkins
Gary D. Creed
James D. Politis
C.P. Shorter
Larry N. Rush
Mary W. Biggs

NAY

Approval of Minutes

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously, the minutes dated February 11, February 25 and March 11, 2002 were approved.

Schedule Public Hearing - Conveyance of Right-of-Way - Oilwell Road (SR 824)

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby schedules a public hearing on Monday, May 13, 2002, at 7:15 p.m. in Courtroom B, Third Floor, Montgomery County Courthouse, 1 East Main Street, Christiansburg, Virginia for the purpose of receiving

citizens comments on the following:

Proposed Conveyance Right-of-Way - Oilwell Road (SR 824)

Montgomery County Board of Supervisors proposed conveyance of a 20 foot by 20 foot turnaround on Oilwell Road (SR 824) to Dale T. and Teresa A. Echols. The property is no longer needed as a right-of-way turnaround because Oilwell Road has been extended. The property was originally conveyed to the County by Dale T. and Teresa A. Echols with a reversion clause whereby the parties agreed that the property would be conveyed back to the Echols once the property is no longer needed as a vehicular turning area.

RSVP - Recovered Costs

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

20	Human Services	\$2,016
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

25202-419108 Recovered Costs	\$ 2,016
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Said resolution appropriates donations and fundraising monies for use by RSVP to provide scholarships.

School Funds-Supplemental Appropriation

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund, School Cafeteria Fund, and ECIA Federal Title I Fund were granted appropriations in addition to the annual appropriations for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

09	School Operating Fund	
	561000 Instruction	\$155,611
	564000 Operations and Maintenance	\$261,696
11	School Cafeteria Fund	\$155,686
21	ECIA	<u>\$212,215</u>
		\$785,208

The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

09 433210	School to Work	\$ 81,825
09 418301	E-rate Universal Service Discounts	\$ 41,805
09 433205	Goals 2000/Technology Literacy	\$128,671
09 433209	Learn and Serve Grant	\$ 6,734
09 418301	Learning Partnership/Disney Grant	\$ 14,495
09 424234	VPSA Technology Fund	\$ 98,616
09 424244	Bond Proceeds	\$ 45,161
11 451203	School Cafeteria Fund Balance	\$155,686
21 433202	Family Literacy Grant	<u>\$212,215</u>
	Total	\$785,208

Said resolution appropriates additional funds from a School-To-Work Grant, Universal Services Discounts, a Goals 2000: Educate America Act Grant, a Technology Literacy Challenge Grant, a Learn and Serve Grant, a Learning Partnership Grant, VPSA Technology Initiative Funds, Bond Proceeds, School Cafeteria Fund Balance, and the Family Literacy Grant.

Improvements on Interstate-81

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously,

WHEREAS, Representatives of the Board of Supervisors of Montgomery County, Virginia have for a number of years advocated for a resolution to the traffic problems along Interstate 81 between Christiansburg and Roanoke; and

WHEREAS, In Virginia Interstate 81 is 325 miles long and travels through 21 cities and towns and 12 counties; and

WHEREAS, Interstate 81 is one of the top eight truck routes in the United States; and

WHEREAS Interstate 81 was designed for 15% truck traffic, but trucks now account for up to

40% of the traffic; and

WHEREAS, Interstate 81 has been identified as a critically needed project in order to improve the capacity, condition and efficiency of our state transportation system.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia recognizes the importance of an overall plan to enhance the safety of the interstate highway system throughout the Commonwealth of Virginia and urges the Commonwealth Transportation Board to move forward with all planned improvements to Interstate 81.

Virginia's First Regional Industrial Facility Authority - Appointment

On a motion by John A. Muffo, seconded by Larry N. Rush and carried unanimously,

WHEREAS, Article I, Section 1.4 of Virginia's First Regional Industrial Facility Authority Bylaws states "Members of the respective governing bodies of each member locality shall appoint one member of that local governing body as a member of the Board of the Authority. The second member of the Board may be an employee of such political subdivisions or other person at the discretion of the local government. The term of any member who is an elected official or an employee of a political subdivision shall terminate upon termination of office, unless specifically extended by the political subdivision."

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby extends the appointment of Joseph V. Gorman, Jr. to the Virginia's First Regional Industrial Facility Authority to September 22, 2002.

OLD BUSINESS

Special Use Permit - Carl McNeil (Curtis and Debbie Goad)

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Carl McNeil's (Agent: Curtis & Debbie Goad) request for a Special Use Permit, with possible conditions, in Agriculture (A-1) on a 0.418 acre tract, with possible conditions, on Tax Parcel No. 119A-A-27 (Account ID #007248) located at 4040 Riner Road in the Riner Magisterial District, for a specialty shop is hereby approved subject to the following conditions:

1. Use is for specialty shop only. Size of specialty shop shall not exceed two thousand (2000) square feet.

2. Landscaping and buffering plan shall be submitted to zoning administrator for review and approval prior to occupancy of building.
3. The Zoning Administrator will confirm with the Health Department that the septic system has received final inspection and approval.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Gary D. Creed	
C.P. Shorter	
Larry N. Rush	
John A. Muffo	
James D. Politis	
Mary W. Biggs	

REZONING REQUEST - BILLY D. MASSIE

On a motion by C.P. Shorter, seconded by Larry N. Rush and carried,

ORDINANCE 2002 -6
An Ordinance Amending the Zoning
Classification of Approximately 1.752 acres
from General Business (GB) to
Planned Mobile Home Residential Park (PMR)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tract or parcel of land consisting of approximately 1.752 acres of land is hereby amended and rezoned from the zoning classification of General Business (GB) to Planned Mobile Home Residential Park (PMR)

This action was commenced upon the application of Billy D. Massie (Agent: Kendall O. Clay)

This tract or parcel of land is located on the north side of Peppers Ferry Road, east of the Coal Hollow Road Intersection and is identified as Tax Parcel Nos. 64-A-171,172 (Acct ID #'s 005101, 017988) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

AYE

C.P. Shorter

John A. Muffo

James D. Politis

Annette S. Perkins

Larry N. Rush

Mary W. Biggs

NAY

Gary D. Creed

Special Use Permit - Billy D. Massie

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Billy D. Massie (Agent: Kendall O. Clay) request for a Special Use Permit to allow expansion of the existing Massie's Mobile Home Park located on the north side of Peppers Ferry Road, east of the Coal Hollow Road Intersection and identified as Tax Parcel Nos. 64-A-171,172 (Acct ID #'s 005101, 017988) in the Riner Magisterial District is hereby approved with the following conditions:

1. The Special Use Permit authorizes expansion of Massie's Mobile Home Park to a maximum total of no more than twelve (12) units on Tax Parcel No. 64-A-171 and 172.
2. Final development plans shall be approved by the zoning administrator before issuance of any building permits for installation of manufactured homes on new spaces. Hydrant locations shall be located within 500 feet of any manufactured home in the park and shown on final development plans.
3. New road shall be surfaced in accordance with zoning requirements before the installation of any

manufactured home served by said road.

4. A landscaping & buffering plan, including a variety of plant species, shall be approved by the zoning administrator as part of the final development plans for the expansion.

The vote on the foregoing resolution was as follows:

AYE

C.P. Shorter

John A. Muffo

James D. Politis

Annette S. Perkins

Larry N. Rush

Mary W. Biggs

NEW BUSINESS

NAY

Gary D. Creed

Revision to the Purchasing Policy

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

WHEREAS, By resolution adopted on the 14th day of February, 1984, the Board of Supervisors of Montgomery County, Virginia, enacted procedures for the procurement of goods and services for the County, which resolution has been amended from time to time, most recently having been on November 14, 2001; and

WHEREAS, The Commonwealth of Virginia has adopted legislation known as the Virginia Public Procurement Act (Chapter 43 of Title II, Section 2.2-4300 et seq.); and

WHEREAS, Section 2.2-4303F of this Act authorizes local governing bodies to establish written emergency purchase procedures; and

WHEREAS, All officers, offices, departments and agencies of Montgomery County shall comply with this Act; and

WHEREAS, The Board of Supervisors now deems it to be in the best interest of the County to again amend the resolution of February 14, 1984 so as to provide for changes in emergency purchasing procedures.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Procurement Resolution of February 14, 1984 is hereby amended and reordained as

follows:

1. In the absence of the County Administrator, the Assistant County Administrator has the authority to approve emergency purchases. In the absence of both administrators, the County Engineer is hereby authorized to approve emergency purchases.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Gary D. Creed	
Larry N. Rush	
C.P. Shorter	
Mary W. Biggs	

Contribution - Virginia Tech Farm & Family Showcase - Transfer from General Contingencies

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized as follows:

FROM:
950 General Contingencies (\$1,000)

TO:
910 Other Agencies \$1,000

Said resolution transfers funds from General Contingencies to support the Second Annual Virginia Tech Farm and Family Showcase sponsored by Virginia Tech.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Gary D. Creed	
Larry N. Rush	

John A. Muffo
Gary D. Creed
Mary W. Biggs

Reassessment - Transfer from General Contingencies

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized as follows:

FROM:

950 General Contingencies (\$8,000)

TO:

153 Reassessment \$8,000

Said resolution provides additional funds to cover the cost of data entry clerk salaries for the County's General Reassessment.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins
Gary D. Creed
Larry N. Rush
John A. Muffo
C.P. Shorter
James D. Politis
Mary W. Biggs

NAY

None

Term Limits - Boards and Commissions

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that membership on the following boards/committees/commissions/authorities appointed by the Board of

Supervisors shall be limited to two (2) full consecutive terms:

1. Adjustment and Appeals Board (Building Code)
2. Community College Board (New River Valley)
3. Community Services Board
4. Comprehensive Services Act (CPMT) Parent and Citizen Representatives
5. Economic Development Commission (Montgomery Regional)
6. Human Services Commission
7. Industrial Development Authority
8. Juvenile Detention Commission
9. Library Board
10. Office on Youth Advisory Board
11. Parks and Recreation Commission
12. Peppers Ferry Regional Wastewater Treatment Authority
13. Planning Commission
14. Planning District Commission
15. Social Services Board
16. Solid Waste Authority (Montgomery Regional)
17. Transportation Safety Commission (citizen appointments (2))

BE IT FURTHER RESOLVED, Any person who has served two (2) or more full terms on one of the above referenced boards/committees/commissions/ authorities as of **April 9, 2002** shall continue in office for the remainder of their term, at which time they will be ineligible for reappointment. A person who has completed one full term and is serving a second term as of **April 9, 2002** , then that person shall be ineligible for reappointment at the end of the second term.

BE IT FURTHER RESOLVED, Any person who is currently serving their first term on a board/committee/commission/authority as of **April 9, 2002** will be eligible to serve one additional full term, at the discretion of the Board of Supervisors.

BE IT FURTHER RESOLVED, In the event an appointed member does not or is unable to complete the term for which appointed for any reason, then the Board of Supervisors shall appoint another member to fill the unexpired term. When appointed to fill an unexpired term, that person is eligible to be appointed to two (2) consecutive full terms.

BE IT FURTHER RESOLVED, Members of boards/ committees/ commissions/ authorities whose term expires shall continue to hold office until his or her successor has been appointed.

BE IT FURTHER RESOLVED, That the term limits outlined above shall not apply to any person appointed as an alternate.

The vote on the foregoing resolution was as follows:

AYE

NAY

Gary D. Creed None

Larry N. Rush

John A. Muffo

C.P. Shorter

James D. Politis

Annette S. Perkins

Mary W. Biggs

Health District Advisory Board

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, By resolution dated October 12, 1987 the Board of Supervisors agreed to participate with other New River Valley jurisdictions in a New River Valley Health District Advisory Board; and

WHEREAS, Participating jurisdictions include the counties of Floyd, Giles, Montgomery and Pulaski and the City of Radford; and

WHEREAS, The New River Valley Health District Advisory Board has not met since 1994.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby dissolves Montgomery County's participation in the New River Valley Health District Advisory Board.

The vote on the foregoing resolution was as follows:

AYE

NAY

Larry N. Rush

None

John A. Muffo

James D. Politis

C.P. Shorter

Annette S. Perkins

Gary D. Creed
Mary W. Biggs

Change to FY 01-02 Position Classification Plan

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes the following change to the FY2001-2002 Position Classification Plan:

Addition of New Position – Building Inspector (pay grade 16)

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
C.P. Shorter	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Larry N. Rush	
Annette S. Perkins	
Mary W. Biggs	

Ratifying the Moratorium Agreement by and Between the Industrial Development Authority of Montgomery County and the Virginia Small Business Financing Authority and Reaffirming the County's Moral Obligation Agreement

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

WHEREAS, In order to promote the industrial development and economy of the County of Montgomery, the Industrial Development Authority of the County of Montgomery, Virginia (the "Authority") undertook the build out of the Authority's 108,000 square foot existing shell building in the Blacksburg Industrial Park in order to lease the said building to Haleos, Inc. (formerly ACT MicroDevices), including the 15 acres on which the facility is located (the "Project"); and

WHEREAS, The Authority has obtained a loan for the Project from the Virginia Small Business Financing Authority in the original principal amount of \$650,000 as evidenced by the Authority's note dated

May 15, 2001, of which the current principal balance is \$520,103.44 (the “Loan”); and

WHEREAS, As security for the Loan, inter alia, the County of Montgomery, Virginia (the “County”) entered into a Moral Obligation Agreement with the Virginia Small Business Financing Authority agreeing to repay the loan in the event that the Authority fails to make payment of the same; and

WHEREAS, Due to Haleos, Inc.’s default status under the Lease, the Authority has requested a six month moratorium with respect to principal and interest payments due under the Note and the Virginia Small Business Financing Authority is willing to do so subject to the terms and conditions of the Moratorium Agreement with the Authority; and

WHEREAS, One of the conditions for the effectiveness of the Moratorium Agreement is that the County Board of Supervisors shall pass a resolution ratifying the Moratorium Agreement and reaffirming the County’s Moral Obligation and the County is willing to do so.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to affirm the Moratorium Agreement dated as of April 1, 2002, by and between the Authority and the Small Business Financing Authority; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby reaffirms the County’s Moral Obligation Agreement dated March 26, 2001, with the Virginia Small Business Financing Authority whereby the County agrees to repay the loan in the event that the Authority fails to make payment of the same.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Larry N. Rush	
Annette S. Perkins	
C.P. Shorter	
Mary W. Biggs	

INTO WORK SESSION

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Centralized Accounting
2. Public Service Authority
3. Budget Discussions

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
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John A. Muffo None

Larry N. Rush

Annette S. Perkins

C.P. Shorter

James D. Politis

Gary D. Creed

Mary W. Biggs

OUT OF WORK SESSION

On a motion by Gary D. Creed, seconded by Larry N. Rush and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
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Larry N. Rush

None

Annette S. Perkins

C.P. Shorter

James D. Politis

Gary D. Creed

John A. Muffo

Mary W. Biggs

COUNTY ATTORNEY'S REPORT

Virginia Tech Foundation - Bond Issuance: The County Attorney reported that the Industrial Development Authority will be adopting a resolution at their next meeting to issue bonds for the other \$42 million for the Virginia Tech Foundation. The total amount was approved by the Board of Supervisors at their May 2001 meeting, therefore, they do not need to take any further action.

Collection of Delinquent Taxes The County Attorney reported that the State Code allows the Treasurer to enter into an agreement with the Department of Motor Vehicles for the collection of delinquent taxes. DMV will refuse to sell or renew vehicle registrations to citizens with delinquent taxes. The choice to enter into a agreement is at the Treasurer's discretion.

COUNTY ADMINISTRATOR'S REPORT

Fairview District Home Would like to invite the elected officials to visit the Fairview District Home to give them the opportunity to see the facilities. The County Administrator suggested that the invitation be extended to Delegate Shuler, Delegate Nutter and Senator Marye.

Senate Bill 592- \$5 Surcharge on Waste - The County Administrator reported that Governor Warner is amending SB 592 to impose a \$5 surcharge fee per ton on waste being disposed in the landfills. The revenue collected will go towards open space, clean water act and the brownfills. He suggested that the Board oppose the amendment as it will cause a increase in fees for disposal of waste in the County and the amendment does not have a clear definition to date as how the revenue collected will be distributed.

BOARD MEMBERS' REPORTS

Supervisor Politis attended a meeting with the Treasurer and the Commissioner of Revenue. He felt the meeting went well.

Supervisor Shorter reported that the Coal Miner's Heritage Association is in opposition to the proposed site for the consolidated collection site in McCoy due to an old graveyard and the coal miners monument adjoining the proposed site.

Chrissman Mill Road - Supervisor Shorter reported that Mr. Childress is still not interested in upgrading Chrissman Mill Road.

Bills Used Auto Parts Supervisor Shorter requested staff follow up on Diane Fenton's issues with Bills Used Auto Parts.

Supervisor Muffo Town of Blackburg Transit has hired a new director, Rebecca Martin. Ms. Martin indicated she would look into having the Montgomery County Frog Pond included in the Transit's route.

League of Women Voters - Reassessment - Lyndsey West provided a copy of a report on reassessment for distribution to the Board.

Supervisor Perkins noted information concerning the Workforce Investment Act was included in the Board's packet for review.

Virginia Tech/Montgomery Regional Airport Authority - A new director has been hired effective May 2002. Their next meeting is scheduled for Wednesday, April 10, 2002.

Supervisor Creed received a letter from Mr. Danny Reed concerning the cell tower on Peddlar Road in Ironto. Mr. Reed stated there are two cell tower companies currently and he requests the County to consider limiting the number of companies on the tower to keep the traffic into the site at a near minimal.

Water Agreement between the Town of Christiansburg and Public Service Authority Supervisor Creed stated that there is a section of the County that is not being served for water by either the Town of Christiansburg or the Public Service Authority. According to the water agreement entered into by the Town and the PSA in 1994 or 1995, the Town of Christiansburg stated that they would serve this area. The County needs to follow up on this issue, so the citizens in this area can get water service.

Supervisor Biggs Work Session on Reassessment and Assessment of Real Property It was suggested by Supervisor Muffo that a work session be scheduled on the reassessment and assessment of real property. It was the consensus of the Board that a work session be scheduled in May or June, 2002.

Request to VDoT for I-81 Sign Supervisor Biggs received a letter from Mr. Ken Phipps, about signage on I-81 recognizing Montgomery County as having two unique natural wonders. One being near mile marker 119, the Alleghany Divide splits the County, which diverts waters to various points along the East Coast. Secondly, at the Montgomery County-Pulaski County line, I-81 crosses over the ancient New River, which is recognized as possibly the World's second oldest river and only one of two major rivers that flows north.

Virginia Department of Transportation's 6-Year Programming Meeting 2002-2008 (Preallocation Hearing) A public hearing is scheduled for Tuesday, April 9, 2002. The County Administrator will be

representing Montgomery County. He was requested to ask about funding for the 3-A road project.

INTO CLOSED MEETING

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Blacksburg Shell Building

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
Annette S. Perkins	
C.P. Shorter	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	

OUT OF CLOSED MEETING

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Larry N. Rush	None
Annette S. Perkins	
C.P. Shorter	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Larry N. Rush
Annette S. Perkins
C.P. Shorter
James D. Politis
Gary D. Creed
John A. Muffo
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by Larry N. Rush, seconded by C.P. Shorter and carried unanimously the Board adjourned to Monday, April 15, 2002 at 7:15 p.m at the new Montgomery County Government Center.

The vote on the foregoing motion was as follows:

AYE

Larry N. Rush
Annette S. Perkins
C.P. Shorter
James D. Politis
Gary D. Creed
John A. Muffo
Mary W. Biggs

NAY

None

The meeting adjourned at 10:45 p.m.